

REMARKS

This application has been carefully reviewed in light of the Advisory Action dated December 16, 2009. Claims 1 to 9, 13 to 18, 20, 39 and 58 are in the application, of which Claims 1, 20, 39 and 58 are independent. Reconsideration and further examination are respectfully requested.

The Advisory Action indicated that the Office would maintain its rejection of all claims under 35 U.S.C. § 103(a), in which primary reliance was placed on U.S. Patent 6,417,931 (Mori), U.S. Patent 6,023,714 (Hill) and U.S. Patent 5,625,758 (Schneider). At page 2 of the Advisory Action, and in connection with Schneider, the Office explained that reliance on the paragraph bridging columns 5 and 6 of Schneider was maintained, in support of the rejection for the feature of processing capabilities that include a minimum distance of separation between color patches and a minimum size for the color patches.

Applicants continue to believe that such reliance is incorrect technologically. The portions of Schneider cited by the Office read as follows:

“If the printing process is controlled mechanically, control elements (color measurement fields for adjusting color and various marks for regulating the different registers) are required, as was already mentioned. These elements can be incorporated in the printing expressly for this purpose or certain areas of the subject may be used for this purpose. Information about these control elements is obtained from the preliminary stage. When imposition is effected electronically, the specific measurement elements are so arranged that position and location are known. This information is transmitted to the printing press. In measuring the subject matter, each page is evaluated in the preliminary stage on a list of typical image parts and the type of control element, position coordinates and

dimensions and tolerances to be measured are sent to the press. Examples of suitable measurement fields include locations with negative type for regulating the register and, in offset printing, half-tone areas in one color or a plurality of colors which are printed one on top of the other and whose hue values on a given minimum surface area remain within predetermined tolerances.” Schneider, col. 5, line 54, through col. 6, line 6.

As the cited paragraph of Schneider is understood, it is deficient relative to the claims for the reasons that it describes only the transmission of information “to” a device, and for the reason that the device in question is actually a printing device which is different from the claimed target device. In an effort to accentuate these distinctions from Schneider even further, the claims herein have been amended so as to specify that processing capabilities of the target device are obtained “from” the target device. In addition, it should be understood that the claim language is clear in its recitation of two different devices, a color printer and a target device, in which the target device comprises a color measuring device “different from the printer”.

As amended, the claims are directed to an arrangement of print data according to a layout for the print data, wherein the print data is printed by a color printer onto a recording medium, and in which the recording medium is thereafter processed by a target device comprising a color measuring device different from the printer. The printable areas on the recording medium are based on commonality between two different types of areas: valid areas and printable areas. Valid areas are areas on the recording medium on which the printer can print. Printable areas are areas on the recording medium for which the target device has processing capabilities for processing properly. Here, processing capabilities of the target device include (a) a designation of the printable area on the

recording medium for which the target device has processing capabilities for processing properly, and (b) a minimum distance of separation between color patches and a minimum size for the color patches.

The printing capabilities of the color printer are determined via communication with the printer. The processing capabilities of the target device are obtained from the target device via communication with the target device.

The applied art is not seen to disclose or to suggest the arrangement set out in the claims herein. In particular, and as indicated above, the applied art is not seen to disclose or to suggest at least the foregoing arrangement in the context of communications with a target device, wherein processing capabilities of the target device are obtained from the target device, and where such processing capabilities are obtained from the target device via communication with the target device. In the context of the claims herein, the processing capabilities of the target device, which are obtained from the target device via communication with the target device include (a) a designation of the printable area on the recording medium for which the target device has processing capabilities for processing properly, and (b) a minimum distance of separation between color patches and a minimum size for the color patches.

It is therefore respectfully submitted that the claims herein are fully in condition for allowance, and such action is courteously solicited.

It is further respectfully requested to rejoin Claims 8 and 9, which have been withdrawn from examination pursuant to a requirement for election. In this regard, both of

Claims 8 and 9 are written in dependent form, such that rejoinder is seen as appropriate pursuant to MPEP § 821, *et seq.*

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael K. O'Neill", is written over a horizontal line.

Attorney for Applicants

Michael K. O'Neill

Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FCBS_WS 4598923v1